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[Ruud v. Westinghouse Hanford Co.](#), 88-ERA-33 (Sec'y June 7, 1994)

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DATE: June 7, 1994
CASE NO. 88-ERA-33

IN THE MATTER OF

CASEY RUUD,

COMPLAINANT,

v.

WESTINGHOUSE HANFORD COMPANY,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER OF REMAND

Before me for review is the [Recommended] Order of Dismissal with Prejudice issued by the Administrative Law Judge (ALJ) on August 3, 1988, [1] in the captioned case, which arises under Section 210 of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1988). Although the ALJ's recommended order refers to a compromise and settlement of the claim by the parties, the terms of settlement are not included in the record. Under 42 U.S.C. § 5851(b)(2)(A), a case may not be dismissed on the basis of a settlement unless the terms of settlement have been reviewed and the Secretary has found them to be fair, adequate, and reasonable. *Macktal v. Secretary of Labor*, 923 F.2d 1150 (5th Cir. 1991); *Thompson v. U.S. Department of Labor*, 885 F.3d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9 and 89-ERA-10, Sec. Order, Mar. 23, 1989, and cases cited therein, slip op. at 2. Accordingly, on February 14, 1990, the Secretary ordered the parties to submit the terms of settlement for review. Thereafter, Respondent expressly declined to disclose the settlement terms, and no response whatever was received from Complainant.

Because I cannot approve the settlement without reviewing

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its terms, I reject the ALJ's recommended order of dismissal and remand the case for a hearing.

SO ORDERED.

ROBERT B. REICH
Secretary of Labor

Washington, D.C.

[ENDNOTES]

[1] Although bearing this date, the order was not forwarded to the Secretary in a timely manner. Pursuant to the implementing regulations at 29 C.F.R. § 24.6(a) and (b) (1993), the ALJ issues only recommended decisions which must be forwarded to the Secretary for issuance of a final order.